

10/018691

PATENT

ATTORNEY DOCKET NO.: 057309-5002-US

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : David M. Long *et al.*

U.S. Application No.: 10/018,691

International Appln. Filing Date: July 2, 1999

Date of National Stage Entry: December 20, 2001

For: TAXOL PRODUCTION VIA GENERATION OF  
EXTRACHROMOSOMAL DNAs IN THE FUNGUS  
PESTALOTIOPSIS

Group Art Unit: Unassigned

Examiner: Unassigned

## BOX PCT

Commissioner for Patents  
Washington, D.C. 20231

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS**  
**UNDER 35 U.S.C. § 371 IN THE U.S. DESIGNATED/ELECTED OFFICE (DO/EO/US)**

1. This replies to the Notification of Missing Requirements (Form PCT/DO/EO/905) mailed March 20, 2002. Attached to this Response is a Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally under 37 CFR 1.137(b). A copy of the Notification of Missing Requirements (Form PTC/DO/EO/905) is also enclosed.
2. Declaration Or Oath
 

☒ No declaration or oath was filed. Enclosed is the original Combined Declaration and Power of Attorney.
3. Small Entity Statement(s)
 

☒ Applicant(s) hereby assert small entity status.
4. Fee Calculation

04/23/2003	GFREY1	00000100	500310	10018691	Basic Fee: PCT Application-\$900.00	
01 FEB 2001		65.00	CH			
		Number Filed	Number Extra	at a Rate of		
	Total Claims		?	\$18.00 each=	+\$	?
	Independent Claims		?	\$84.00 each=	+\$	?
	Multiple dependent claim(s), if any			\$280.00	+\$	?
	Missing Requirements Surcharge Fee			\$130.00/65.00	\$65.00	
				<b>SUB-TOTAL =</b>	<b>\$65.00</b>	
	Fee For Application Filed With A Non-English Specification (37 C.F.R. § 1.17(k) and § 1.52(d))			\$130.00	+\$	?
	Fee For Processing and retention of application (37 C.F.R. § 1.21(l) and § 1.53(d))			\$130.00	+\$	?
				<b>TOTAL FILING FEE =</b>	<b>\$ 65.00</b>	

5. Extension of Time

- ☒ Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

6. Fee Payment

The total fee due is: Completion Fees \$65.00

- ☒ The Commissioner is hereby authorized to charge \$65.00 to Deposit Account No. 50-0310.
- ☒ Except for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §1.16 and §1.17 which may be required, or credit any overpayment to Deposit Account No. 50-0310.

7. Additional papers enclosed.

- ☒ Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally under 37 CFR 1.137(b)
- ☒ Petition for Filing an Application under 37 CFR §1.47(a) with Accompany Statement of Facts in Support Thereof
- ☒ Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**



Erich E. Veitenheimer  
Reg. No. 40,420

Date: April 18, 2003

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## UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT  
United States Patent and Trademark Office  
Washington, D.C. 20231  
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/018,691	David M Long	047714-5002-US

INTERNATIONAL APPLICATION NO.

PCT/US99/15135

I.A. FILING DATE

07/02/1999

PRIORITY DATE

07/02/1998

09629

MORGAN LEWIS & BOCKIUS LLP  
1111 PENNSYLVANIA AVENUE NW  
WASHINGTON, DC 20004

CONFIRMATION NO. 5141

371 FORMALITIES LETTER



\*OC00000007668170\*

Date Mailed: 03/20/2002

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fees
- Priority Document
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Information Disclosure Statements

Docketed 3-26-02 Attorney EEV/EEV/TMH  
Case 47714-5002  
Due Date 5/20/02  
Action Missing Requirement/Sequence listing  
By SOW Chk PSD

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- \$130 Surcharge for providing the oath or declaration later than the appropriate 30 months from the priority date (37 CFR 1.492(e)) is required.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 or 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

The following items **MUST** be furnished within the period set forth below:

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MAR 26 2002  
MORGAN, LEWIS & BOCKIUS LLP

- The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):

- This application does not contain a "Sequence Listing" as a separate part of the disclosure on paper copy or compact disc, as required by 37 CFR 1.821(c).
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e).
- APPLICANT MUST PROVIDE:
  - An initial or substitute computer readable form (CRF) of the "Sequence Listing."
  - An initial or substitute paper copy or compact disc of the "Sequence Listing," as well as an amendment directing its entry into the specification.

- For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)

#### SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$130** for a Large Entity:

- **\$130** Late oath or declaration Surcharge.
- This application does not contain a "Sequence Listing" as a separate part of the disclosure on paper copy or compact disc, as required by 37 CFR 1.821(c).
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

WINSTON M ALVARADO

Telephone: (703) 305-6421

#### PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/018,691	PCT/US99/15135	047714-5002-US